

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
41-45 PROPERTY OWNER, LLC,	:	
	:	22 Civ. 8634 (LGS)
Plaintiff,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
CDM1, LLC,	:	
	:	
Defendant.	:	
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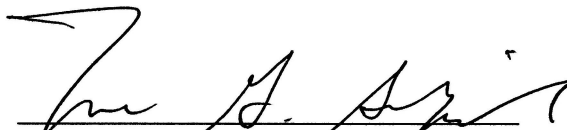
LORNA G. SCHOFIELD, District Judge:

WHEREAS, on January 20, 2023, Defendant filed a motion to dismiss the Second Cause of Action in the Complaint, which alleges a breach of the implied covenant of good faith and fair dealing.

WHEREAS, on March 22, 2023, Plaintiff filed a letter motion regarding a discovery dispute. The letter motion details five categories of information about which Plaintiff would like to question Defendant's Rule 30(b)(6) witness at an upcoming deposition. It is hereby

**ORDERED** that Defendant's motion to dismiss is **GRANTED**. An opinion will issue separately. Accordingly, Plaintiff shall not take discovery that is relevant solely to the implied covenant claim.

Dated: March 28, 2023  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE